

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAURO SANCHEZ and JUAN EUSEBIO :
SANTIAGO, on behalf of themselves and all :
others similarly situated, :
: Plaintiffs, : **21 Civ. 6744 (PGG)(SLC)**
-against- :
COSAN CONSTRUCTION CORP., AMCG INC., :
TERENCE JAMES FERGUSON, and AARON :
KING, :
: Defendants. :
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WHEREAS, Plaintiffs Lauro Sanchez and Juan Eusebio Santiago (“Plaintiffs”) filed a Complaint in this action and have stated an intention to seek conditional certification of a Fair Labor Standards Act (“FLSA”) collective action pursuant to 29 U.S.C. § 216(b);

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective attorneys, as follows:

1. The parties stipulate and consent to the conditional certification of an FLSA collective action consisting of:

All individuals employed by Cosan Construction Corp. and/or AMCG Inc. to perform construction duties at any time from August 10, 2018, to the present who were paid on an hourly basis and worked over forty hours in any given workweek during this period, and who did not execute an agreement to arbitrate any disputes with the Companies prior to the commencement of this litigation (the “FLSA Collective”).

2. The parties have negotiated an FLSA § 216(b) notice (“Notice”) and a consent to sue form (“Consent”) to be sent to the FLSA Collective, both of which are attached as Exhibit A, in both English and Spanish.

3. Within thirty (30) days of the date of this Order and the Court’s approval of the Notice and Consent, defendants Cosan Construction Corp., AMCG Inc. (collectively, the “Companies”), Terence James Ferguson, and Aaron King (collectively with the Companies, “Defendants”) shall provide Plaintiffs’ counsel with a list in Microsoft Excel format (the “List”) containing the following information of the persons identified in paragraph “1” of this Stipulation and Order: (a) full names (if known); (b) last known mailing addresses; (c) last known telephone numbers; (d) last known e-mail addresses; and (e) dates of employment of all individuals who worked as construction workers at the Companies at any time since August 10, 2018. Excluded from this list will be any present

or former employee of the Companies who previously executed an agreement to arbitrate any disputes with the Companies prior to the commencement of this litigation.

4. Within twenty calendar (20) days of Plaintiffs' counsel's receipt of the List from Defendants, Plaintiffs' counsel shall cause copies, in English and Spanish, of the agreed upon Notice and Consent to be sent to the individuals set forth on the List by first class mail (if residential address known), together with a stamped return envelope addressed to Plaintiffs' counsel, by e-mail, if an e-mail address was provided, and by text message, if a telephone number was provided.

5. If any of the Notices and Consents sent to the FLSA Collective by Plaintiffs' counsel are returned as undeliverable, and the telephone number and e-mail address of the putative FLSA Collective member is not valid or active, Plaintiffs' counsel shall notify Defendants' counsel, and the parties shall discuss available additional contact information regarding the FLSA Collective member.

6. Consent to Sue forms shall be returned to Plaintiffs' counsel.

7. As set forth in the Notice, the putative participants in the action identified above shall have sixty (60) calendar days from the mailing of the Notice to join this action by postmarking, faxing, or e-mailing their Consents to Plaintiffs' counsel.

[INTENTIONALLY BLANK, CONTINUED ON NEXT PAGE]

Respectfully submitted,

Dated: New York, New York
February 8, 2022

PECHMAN LAW GROUP PLLC

By

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*Attorneys for Plaintiffs,
the Putative FLSA Collective, and the
Putative Rule 23 Class*

COLE SCHOTZ P.C.

By:

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bgardner@coleschotz.com
jfinkelstein@coleschotz.com
Attorneys for Defendants

SO ORDERED.

**Honorable Sarah L. Cave
United States Magistrate Judge**

Dated: New York, New York

, 2022

EXHIBIT

A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAURO SANCHEZ and JUAN EUSEBIO :
SANTIAGO, on behalf of themselves and all others :
similarly situated, :
: Plaintiffs, :
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: COSAN CONSTRUCTION CORP., AMCG INC., :
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: Defendants. :
----- X

**IF YOU WERE EMPLOYED BY COSAN CONSTRUCTION CORP.
AND AMCG INC. AS A CONSTRUCTION WORKER AT ANY TIME
SINCE AUGUST 10, 2018, PLEASE READ THIS NOTICE.**

A pending collective action lawsuit may affect your legal rights. After reviewing the information below, if you want to join the pending collective action as an opt-in plaintiff, please mail this Consent form to the Plaintiffs' attorneys using the enclosed envelope or by fax or e-mail. This is not a solicitation from a lawyer.

1. Purpose of this Notice

This notice is to inform you of a lawsuit pending in the United States District Court, Southern District of New York, against Cosan Construction Corp., AMCG Inc. (together, the "Companies"), Terence James Ferguson, and Aaron King (collectively, "Defendants") and to advise you of your legal rights in connection with that suit.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons can bring a lawsuit on behalf of others who have similar claims. The individuals who brought this lawsuit are called the plaintiffs. The corporate entities and individuals that the plaintiffs have sued are called the defendants (*i.e.*, the Companies, Terence James Ferguson and Aaron King). By completing and submitting the attached Consent to Sue form, you can become an "opt-in plaintiff" in this case. One Court resolves the issues for everyone who joins the case.

3. Description of the Lawsuit

Plaintiffs Lauro Sanchez and Juan Eusebio Santiago ("Plaintiffs") began this

**YOUR IMMIGRATION STATUS DOES NOT AFFECT YOUR RIGHT
TO RECOVER OWED BACK WAGES OR PARTICIPATE IN THIS LAWSUIT**

lawsuit and claim that the Defendants violated the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) by failing to pay employees who worked as construction workers the proper overtime pay. According to Plaintiffs, Defendants paid their construction workers at the same amount per hour worked, including for hours worked over forty hours per workweek. Plaintiffs also claim that Defendants failed to provide employees with wage notices upon hiring and with accurate weekly wages statements, as required by the NYLL. The lawsuit seeks to recover from Defendants compensation for unpaid overtime wages, pre- and post-judgment interest, statutory damages, liquidated damages, and attorneys’ fees and costs.

Defendants deny any wrongdoing and/or liability under applicable federal, state and local laws, and the Court has not made any determination as to the merits of the allegations.

4. Why Did I Get This Notice?

You are receiving this Notice because the Court permitted Plaintiffs to send this Notice to individuals who worked at the Companies as construction workers between August 10, 2018, and the present. According to the records of the Companies, you are an individual included in this group. The purpose of this Notice is to inform you and other employees of the Companies of your right to join this lawsuit, how to join this lawsuit, and how your rights may be affected by this lawsuit.

5. The Court has not decided who is right.

The Court has authorized Plaintiffs to send out this Notice of the lawsuit. However, no determination has been made, and the Court has not decided who is right and who is wrong. Further, the Court neither encourages nor discourages your participation in this lawsuit.

6. Who are the attorneys representing the Plaintiff?

The plaintiffs who brought this lawsuit are represented by:

Louis Pechman, Esq.
Gianfranco J. Cuadra, Esq.
Mirian Albert, Esq.
Pechman Law Group PLLC
488 Madison Avenue, 17th Floor
New York, New York 10022
Tel: (212) 583-9500
pechman@pechmanlaw.com
cuadra@pechmanlaw.com
albert@pechmanlaw.com
www.pechmanlaw.com

7. How do I join the lawsuit?

If you worked for the Companies as a construction worker at any time since August 10, 2018, you may join this lawsuit (that is, you may “opt in” to the lawsuit) by reading, signing, and promptly returning the “Consent to Sue” form attached at the end of this notice to:

Pechman Law Group PLLC
488 Madison Avenue, 17th Floor
New York, New York 10022
Tel: (212) 583-9500
Fax: (212) 409 - 8763
E-mail: pechman@pechmanlaw.com

A pre-paid and pre-addressed envelope is enclosed for your convenience. You may also fax or e-mail the Consent to Sue form.

If you want to join the lawsuit, your Consent to Sue form must be postmarked no later than **60 calendar days from the date of this mailing**.

If your signed Consent to Sue Form is not postmarked, e-mailed, or faxed by 60 calendar days from the mailing of this Notice, you may not be allowed to participate in this lawsuit.

8. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will become an “opt-in plaintiff” and be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. You may be required to provide documentation, testify at depositions, and/or testify at trial.

9. To Stay Out of the Lawsuit

If you do not wish to be part of the lawsuit, you do not have to do anything, simply do not complete and return the attached Consent to Sue form. If you do not join the lawsuit, you will not be part of this lawsuit in any way, and you will not be bound or affected by any settlement or judgment rendered in this case, whether favorable or unfavorable.

10. Immigration Status

Your immigration status does not and will not affect your entitlement to recover back wages or to participate in this lawsuit.

11. Fees for Attorneys and Costs

The attorneys for plaintiffs, Pechman Law Group PLLC, are handling the lawsuit on a contingency fee basis, which means that if there is no recovery, they will not recover a fee. If there is a recovery, Pechman Law Group PLLC will petition the Court for the greater of (i) the full amount of attorneys' fees awarded by the Court and paid by the Defendants, or (ii) one-third (*i.e.*, 33.33%) of the gross aggregate monetary recovery computed on the net sum recovered after deducting any out-of-pocket expenses and costs properly chargeable to the prosecution of the case.

12. No Retaliation Permitted

The Companies and its managers, owners, or other people associated with it, are prohibited by federal and state laws from firing or in any other manner discriminating against any person, including a current employee, for joining this lawsuit or taking part in this case.

13. Are there more details available?

Yes. If you have any questions or want additional information, please contact Pechman Law Group PLLC using the contact information provided in this Notice.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN
AUTHORIZED BY THE HONORABLE SARAH L. CAVE,
UNITED STATES MAGISTRATE JUDGE OF THE
UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF NEW YORK.**

**PLEASE DO NOT CONTACT THE COURT ABOUT THIS
NOTICE OR THE ACTION.**

Dated: New York, New York

_____ 2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LAURO SANCHEZ and JUAN EUSEBIO :
SANTIAGO, on behalf of themselves and all others :
similarly situated, :
Plaintiffs, :
-against- :
COSAN CONSTRUCTION CORP., AMCG INC., :
TERENCE JAMES FERGUSON, and AARON KING, :
Defendants. :
-----X

21 Civ. 6744 (PGG)(SLC)

CONSENT TO SUE

COLLECTIVE ACTION

1. I consent to be a party plaintiff for all purposes in this lawsuit against my current/former employer, Cosan Construction Corp., AMCG Inc., Terence James Ferguson, and Aaron King, in order to seek redress for all claims asserted in the Complaint. I authorize Pechman Law Group PLLC to represent me in this case.

2. I hereby designate and authorize Pechman Law Group PLLC to make all decisions on my behalf concerning the litigation and settlement of this lawsuit. I agree to be bound by the decisions made by Pechman Law Group PLLC on my behalf. I further agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable. I understand that Pechman Law Group PLLC will petition the Court for attorneys' fees from any settlement or judgment amount in the amount of the greater of (i) the full amount of attorneys' fees awarded by the Court and paid by Defendants, or (ii) one-third (*i.e.*, 33.33%) of the gross aggregate monetary recovery computed on the net sum recovered less costs properly chargeable to the prosecution of the case.

Date: _____, 2022

Signature: _____

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Enviar por correo, fax, o correspondencia electrónica a:

Pechman Law Group PLLC

488 Madison Avenue, 11th Floor, New York, New York 10022

Tel: (212) 583-9500 / Fax: (212) 409-8763 / Correo electrónico: pechman@pechmanlaw.com